IN THE HIGH COURT OF UTTARANCHAL AT

NAINITAL

Writ petition no.149 (M/S) of 2005

Umesh Kumar, S/o Shir Chatra Pal,
R/o Village & Post-Ghunchihai,
Tehsil-Puranpur, district Pilibhit, U.P. .....Petitioner

Versus

1. The Vice Chancellor, G.B. Pant University of Agricultural & Technology, Pant Nagar, District Udham Singh Nagr.
2. The Registrar (Examination), G.B. Pant University of Agricultural & Technology, Pant Nagar, District Udham Singh Nagar.
3. The Dean, The College of Veterinary Science and Animal Husbandary, G.B. Pant University of Agricultural & Technology, Pant Nagar, District Udham Singh Nagar.

.....Respondents.

Sri S.K. Mandal, Counsel for the petitioner.
Sri Rajendra Dobhal, counsel for the respondents.

Dated: 6.7.2006

Hon'ble Rajesh Tandon, J.

By the present writ petition, the petition has prayed for a writ of certiorari quashing the order dated 25.2.2005 passed by the respondent no. 2.

Briefly stated, according to the case of the petitioner he is a student of second batch of B.V. Sc., having been selected through the competitive entrance examination. First year session was started from August, 2000 to June, 2001, in

which the petitioner has full attendance. The course is entire of five year, covering 10 semesters which can be extended to 16 semesters. B.V. Sc. and is faired of the rules framed by the veterinary counsel of Indian and the same is applicable to the respondent university.

Petitioner has submitted that he declared failed as he was falsely implicated in the case No. 143 of 2002. However, on 10.5.2002 the Jail Authority has transferred the petitioner from Lucknow Jail to Pant Nagar, and thereafter, he appeared in the examination on 11.05.2002 at about 11-30 A.M. The petitioner appeared before the Dean of the College in the police custody and orally requested to permit to appear in the examination, which was stated from 9.30A.M.

On 11.5.02 the petitioner was brought to Haldwani Sub District jail and the Police personal requested the Superintendent of Jail Haldwani to take over the custody of the petitioner and to insure the appearance in the examination but the Superintendent of Jail Haldwani has not taken any responsibility and the petitioner was again brought to Lucknow Jail and he could not appear in the second Semester examination.

On 16.9.2002 the petitioner was released on bail and on 26.9.2002 the petitioner appeared before the respondents in person and requested him to give admission in the II semester

of the Ist year and made a representation to the Vice Chancellor through proper channel the but authorities have not given any response. However the petitioner has represented to given admission for session 2003-04 but he has not given any reply.

On 13.12.04, the petitioner again made a representation and sent through speed post to respondent prayed therein that he may be given admission in the B.V.Sc. & A.H. Course but he has not paid any heed.

The petitioner has made number of representation to the respondents but they have not decided and the same are pending.

On 04 February, 2005 the petitioner again made a representation to the respondent stating for giving the admission in the first year.

But, the representation has been rejected.

Counsel for the petitioner has referred regulation 36 (G, H) of Academic Regulations of the University, to the following effect:-

"(g) Normally, permission shall not be granted to a student to withdraw from the University for more than two semesters under the Regulation 36(b), (c), (d) and (e).

(h) The Vice Chancellor may, on the recommendation of the advisor Dean, college, concerned, permit temporary

discontinuance of studies for maximum period as detailed below on grounds prescribed under 36(I).

I)	*Under Graduate programme*	*-2 semester*
II)	*Master's programme*	*-3 semesters*
III)	*Ph.D. programme*	*-4 semesters.*

Counsel for the petitioner, therefore, has prayed that this aspect of matter having not been considered by the respondents, he may be directed to consider the same and pass appropriate order considering the request made. However any decision taken earlier shall be subject to the final order passed on the representation of the petitioner.

Subject to above, writ petition is disposed of. No order as to costs.

6.7.2006 **(Rajesh Tandon, J.)**